



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

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Mailed and Filed: JANUARY 18, 2023

IN THE MATTER OF:

Appeal Board No. 626351

PRESENT: MICHAEL T. GREASON, MEMBER

The Department of Labor issued the initial determination holding the claimant eligible to receive benefits, effective March 14, 2022. The employer requested a hearing and objected contending that the claimant should be disqualified from receiving benefits because the claimant refused an offer of suitable employment without good cause.

The Administrative Law Judge held a telephone conference hearing at which testimony was taken. There was an appearance on behalf of the employer. By decision filed October 7, 2022 (), the Administrative Law Judge overruled the employer's objection and sustained the initial determination.

The employer appealed the Judge's decision to the Appeal Board.

Our review of the record reveals that the case should be remanded to hold a hearing. The record was not sufficiently developed with respect to whether the claimant had good cause to refuse the offered employment based on the commute time. At the remand hearing, the Judge shall confront the parties with the file document indicating approximate commute times from Uniondale to the claimant's address in Far Rockaway. Subject to any objections, the Judge shall take the document into evidence. The parties shall be afforded an opportunity to present any other testimony or evidence regarding the commute between the

claimant's home and the location of the offered employment. The Judge also shall take such further testimony and evidence as may be necessary to complete the record.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issues of the initial determination of eligibility and the employer's objection of refusal of a suitable offer of employment without good cause, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the issues of the initial determination of eligibility and the employer's objection of refusal of a suitable offer of employment without good cause, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

MICHAEL T. GREASON, MEMBER